

Amendment
Serial No. 10/759,720

Docket No. 5000-1-515

REMARKS

Reconsideration of all grounds of rejection in the above identified application and allowance of all the claims is respectfully requested in light of the above amendments and the following remarks.

Claims 1-20 remain pending herein. Claim 1 is the sole independent claim herein.

Claim 1 has been amended to correct errors in form found in a review of the claims.

Claims 1, 2, 4-8, 10-13 and 16-20 which stand rejected under 35 USC §103(a) as being unpatentable over Ishida (US 6,434,171) in view of Sullivan (US 6,662,365) and further in view of Kato (US 6,233,255) and further in view of Carlucci (USPPA 2004/0244058).. The Ishida, Sullivan and Kato references were previously cited in rejecting the claims. The Carlucci reference has been cited in response a claim element made with regard to a DVB-ASI signal transmission.

Applicant respectfully traverses these grounds of rejection for the reasons indicated herein below.

The present invention, as recited in claim 1, recites an MPTS-SPTS separation device that separates a desired signal from a plurality of signals and transmits only the desired signal. An advantage of the present invention is that the separation device converts an MPTS containing a number of programs into an SPTS containing a single program, so as to provide only a required program to each subscriber (specification at page 6, lines 1-4). A sizeable savings in, for example, required bandwidth is realized.

In an exemplary embodiment of the presently claimed invention, the receiving interface 110 (shown in FIG. 3) receives an ASI input comprising MPEG-2 MPTS data received according to the DVB-ASI standard (specification at page 6, lines 9-11). After receiving data and stuffing characters, the receiving interface 110 removes the characters to transfer only pure MPEG-2 data to the MPTS-SPTS separator 120 in an 8 bit parallel fashion (Specification at page 6, lines 14-15). The separator detects a PAT packet, and analyzes PIDS of a PMT that correspond to a plurality of programs existing in the

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MPEG-2 MPTS packet. The separator receives information regarding a single program selected by the user, and removes the packets associated with all programs other than the selected program, changes the PAT by deleting the PIDs associated with the selected program, and inserts the changed PAT into a stream corresponding to the selected single program. During this procedure, the separator typically provides the MPEG-2 data to the transmitting interface 140 in an 8 bit parallel fashion (specification at page 7, lines 7-8). The transmitting interface 140 carries the MPEG-2 data on a physical layer that is output as DVB-ASI data of a single program. Thus, the separator according to the presently claimed invention effectively separates a single program from a number of programs in MPTS without the associated time delay known heretofore.

Ishida discloses a method for demultiplexing signals from a MPTS signal using PID filter. The selected signals are then monitored for their transmission rate and when the total value of the transmission rate exceeds a maximum transmission rate, only partial service information of all the signals is provided to the user(s).

Hence, Ishida does not disclose that a single signal is transmitted based on a user selection. Ishida also fails to provide any reason for having a user input.

The Examiner acknowledges that Ishida fails to disclose changing a PAT and inserting the changed Pat into a stream corresponding to a selected program.

Kato, is then referred to for disclosing a device that corrects the deficiencies found to exist in Ishida by changing the control (PID) information in the PMT.

However, while Kato discloses providing changed information in the PMT, the device disclosed extracts control information from each of a plurality of input signals and then re-multiplexing the media input streams with a modified control information. The modified control information is based on each of the plurality of signals.

Thus, even if the teachings of Kato were included in the teaching of Ishida, the combination of Ishida and Kato produces a device that selects signals based on PIDs, modifies control information of the selected signals and remultiplexes the signals with the modified control information to generate a multi-stream output signal. However, the

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combined device fails to provide any teaching to provide a single media output based on a user selection. Rather both Ishida and Kato teach transmitting multiple multiplexed signals.

The Examiner further refers to Sullivan for teaching that an input may be provided, via a UART, to the teaching of Ishida (and Kato) to allow a user input to select a single media signal.

Thus, Sullivan is referred to as providing an input to the combined device of Ishida and Kato to show that such an element was known in the art. However, the Examiner has not considered the additional changes must be incorporated into the combined teachings of Ishida and Kato to provide a single media output associated with a selected signal. For example, the combined device requires not only selection of the desired signal, but also identification of the desired signal by PID, removal of all other PIDs in the PMT except for the PID associated with the selected signal and removal of the other signals from being input to the remultiplexing section (item 33, Kato).

Accordingly, such a modification to the teachings of Ishida and Kato, individually or in combination, results in an operation contrary to that of the teachings of Ishida and/or Kato in that neither Ishida nor Kato refer to transmitting only a single signal. Rather the principles of Ishida are directed to providing a best-as-possible signal in the case of limited bandwidth and the principles of Kato are directed to limit the control information of a plurality of signals. Neither of these references teaches selecting a signal from the plurality of signals as is recited in the claims.

Under U.S. patent law, a claim is not obvious over one or more prior art references unless the prior art references, alone or in combination, teach all the features recited in the claim, or the feature was generally known in the art and that it would within the knowledge of those skilled in the art to incorporate such feature into the prior art. That is, the recent decision rendered by the US Supreme Court in KSR International v. Teleflex, held that obviousness may be determined not only by what is explicitly suggested or taught by the cited references but also by what was generally known by

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those skilled in the art at the time the invention was made. However, the Court also noted that "... a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior. ...[I]t can be important to identify a reason that would have prompted a person ... to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known." *Id.*

Ishida in combination with Sullivan, Kato and Carlucci, even without disclosing the merits of Carlucci, not only fails to teach all the elements recited in claim 1, but applicant submits that the Examiner has used the instant application as a blueprint to find different prior art references that independently include the claimed elements and that the Examiner has impermissibly combined these elements without considering the additional changes necessary to alter the prior art references to implement the features recited in the claims.

For at least this reason, Applicant submits that the reasons for the rejection under 35 U.S.C. 103(a) have been overcome and respectfully requests that the rejections be withdrawn.

Claims 3, 9, 14 and 15 are rejected under 35 USC 103(a) as being unpatentable over Ishida, Sullivan, Kato, Carlucci and further in view of Pinder.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims as these claims depend from the independent claim and, Pinder fails to provide any teaching to correct the deficiency in the combination of Ishida, Sullivan, Kato and Carlucci as shown to exist previously. Hence, these claims are therefore patentable for the same reasons. Moreover, since each dependent claim is also deemed to define an additional aspect of the invention, we would request the individual consideration of the patentability of each on its own merits.

For at least this reason Applicant respectfully submits that all grounds of

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rejection under 35 U.S.C. §103(a) have been overcome. Reconsideration and withdrawal of these grounds of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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